

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Allan et al. Art Unit : 3693  
Serial No. : 09/696,099 Examiner : Lalita M. Hamilton  
Filed : October 25, 2000 Conf. No. : 4131  
Title : VALUE TRANSACTION SYSTEMS

**MAIL STOP AF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Applicant submits this request under the New Pre-Appeal Conference Pilot Program described in the U.S. Patent and Trademark OG Notice, "New Pre-Appeal Brief Conference Pilot Program," dated 12 July 2005 and extended until further notice as of January 10, 2006. This request is being filed with a Notice of Appeal.

In the final Office action dated March 29, 2007, the claims were rejected as follow:

(1) Claims 1-6 and 14-25 were rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 6,311,165 (Coutts) in view of U.S. Published Patent Application No. 2001/0011680 (Soltesz et al.).

(2) Claims 7-13 were rejected under 35 U.S.C. §103(a) as unpatentable over the Coutts patent in view of U.S. Patent No. 6,318,536 (Korman).

In view of the following remarks, applicant respectfully requests reconsideration and withdrawal of the rejections of the claims.

The pending claims relate to value transaction systems in which code is uploaded from one or more transaction units and used to control operation of the same transaction unit(s). In contrast, as discussed in greater detail below, in the cited references, software is downloaded or uploaded from one source (e.g., a central server or the internet) and then used to control operation of some other component of the system.

Claims 1-6 and 14-25

Independent claim 1 recites a value transaction system including transaction units and a controller that is operable to upload run-time interpreted code units from the transaction units. The controller can execute the code of each respective code unit and generate signals to control the operation of the respective transaction units. Independent claims 14, 22 and 25 recite similar features.

In some implementations, such an arrangement can provide the advantage that a new unit of completely arbitrary type can be added to an existing transaction system and function correctly with the other units under the control of a central controller in which the software units are integrated to facilitate information exchange. That may be accomplished without requiring either (a) an on-line system with a central, remote software-storing server or (b) a system that incorporates high-powered "intelligent" transaction units (*see, e.g.*, Specification, page 2, line 21 - page 3, line 6).

The Coutts patent relates to networked transaction systems having a central server and a terminal having a number of peripheral devices, such as a cash dispenser, card reader, etc. The systems disclosed by the Coutts patent have peripheral devices that download software from the central server and execute their own software. For example, the Coutts patent discloses:

[T]he server is arranged to store applications and driver or other operational software for the peripheral devices and communication links can be provided from the server to individual peripheral devices to enable such software to be *downloaded from the server to the device*.

\* \* \*

With the disclosed architecture, appropriate software can be readily *downloaded from server 16* through link 17 at run time without the need to store every alternative driver program at the dispenser.

(Col. 3, lines 58-62; col. 11, lines 6-9) (Emphasis added) Thus, the peripheral devices retrieve software from a source (*i.e.*, the server) that is external to the transaction system itself. As

explained by the Coutts et al. patent, such implementations “allow for the *remote* administration of an entire transaction network” (col. 9, lines 51-52).

Indeed, the Office action of September 22, 2006 acknowledges (at pages 2-3) that the Coutts patent “does not disclose the controller being operable to upload from the transaction units respective run-time interpreted code units for storing in the memory or separately loading executable code for the respective code modules from the associated transaction unit into the memory means of the controller.” Nevertheless, the Office action cites the Soltesz et al. patent as allegedly disclosing those features. In particular, both the Office action of September 22, 2006 and March 29, 2007 refer to paragraphs 3 and 34 of the Soltesz et al. patent.

The Soltesz et al. patent discloses a self-service kiosk. Paragraphs 3 and 34 of the Soltesz et al. patent disclose connecting the kiosk to the Internet, for example “for downloading or uploading new programs.” There is no indication, however, that the retrieved software is used for controlling the operations of respective transaction units within the kiosk. Moreover, the software is not retrieved from the transaction units.

Thus, the Coutts et al. patent merely discloses retrieval of code from a source external to the transaction system in the form of a central server. Likewise, the Soltesz et al. patent suggests retrieval of code from an external source (*i.e.*, the Internet). Accordingly, the cited references neither individually nor in combination suggest the retrieval of code units from respective transaction units. In particular, even if there were some reason to combine the disclosures of the cited references, that would not result in or suggest a controller “operable to upload from said transaction units respective run-time interpreted code units . . . , the controller being operable to execute the code of each respective code unit and in response thereto to generate signals controlling the operation of the respective transaction units,” as recited in claim 1.

At least for those reasons, claim 1 and dependent claims 2-6 should be allowed.

Independent claims 14 and 25, as well as their dependent claims, should be allowed for similar reasons.

Claims 7-13

Independent claim 7 recites a validation transaction unit with a microprocessor system that includes at least one Java application operable to perform controlling functions for a further transaction unit to which the validation transaction unit is connected. The microprocessor is operable to upload the Java application from the further transaction unit.

The final Office action of March 29, 2007 does not even address claims 7-13 in any detail. Although the Office action of September 22, 2006 acknowledges that the Coutts patent does not disclose enabling validation of currency, the Office action alleges that otherwise "Coutts discloses the invention substantially as claimed." That is incorrect.

As discussed above, the systems disclosed by the Coutts patent have peripheral devices that download software from the central server and execute their own software. Therefore, there is no disclosure in the Coutts patent of a processor that is operable to upload an application from a transaction unit where the application is operable to perform controlling functions for that same transaction unit. Nor does the Korman et al. patent disclose that feature. Claims 7-13 should be allowable at least for those reasons.

Furthermore, the Office actions do not even address the fact that independent claim 7 specifically recites uploading a Java application from the further transaction unit. That feature, as well as the subject matter of claim 7 as a whole, is not suggested by the combination of the Coutts et al. and Korman et al. patents.

At least for the foregoing reasons, the rejections of the pending claims should be withdrawn.

Conclusion

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper.

Applicant : Allan et al.  
Serial No. : 09/696,099  
Filed : October 25, 2000  
Page : 5 of 5

Attorney's Docket No.: 07703-  
346001 / WIN0216/J.25290 GB

Applicants reserve the right to expand the foregoing remarks or present additional  
remarks should they subsequently file an appeal brief.

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 7/3/07

  
Samuel Borodach  
Reg. No. 38,388

Fish & Richardson P.C.  
Citigroup Center  
52nd Floor  
153 East 53rd Street  
New York, New York 10022-4611  
Telephone: (212) 765-5070  
Facsimile: (212) 258-2291